



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **04753-23 T.P.**

AGENCY DKT. NO. **C731512002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she moved to New Jersey ("NJ") without a plan, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2023, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also, on June 5, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that, through no fault of her own, Petitioner was homeless prior to moving to New Jersey ("NJ"); that she had planned to reside with her sister in NJ until such time as she was able to locate housing; that she only again became homeless after her sister was unexpectedly evicted, leaving her insufficient time to secure housing; that her husband was gainfully employed when they moved to NJ; and that she did not seek EA benefits immediately upon arrival to NJ, but rather, only applied for said benefits when her husband had lost his employment. See Initial Decision at 2-3, 5; see also Exhibit R-1 at 7. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner and the imposition of a six-month EA ineligibility penalty, on the basis that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness, was improper and must be reversed. See Initial Decision at 4-5; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is ADOPTED, and the Agency's determination is hereby REVERSED.



Officially approved final version. June 08, 2023

Natasha Johnson
Assistant Commissioner

